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**In The Matter Of:**  
*Matthew Gilmer v.*  
*T.R. Franklin, Inc., et al.*

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*Jason Sheer*  
*Vol. 2*  
*April 18, 2012*

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*Vowell & Jennings, Inc.*  
*214 Second Avenue North*  
*Suite 207*  
*Nashville, Tennessee 37201*  
*615-256-1935*

**VJ** **V O W E L L**  
**AND**  
**J E N N I N G S**

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**EXHIBIT**

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*SHEER Depo*  
*P. 308-311*

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1 the reasons you chose that for your Tin  
2 Roof II?

3 MR. ELBERT: Object to the form  
4 of the question.

5 THE WITNESS: Yes. You know it's  
6 a suburb. I mean most people are playing golf  
7 and shopping at the mall and playing ball with  
8 their kids in their yards.

9 BY MR. SMITH:

10 Q. At the time of your initial  
11 negotiations and up to the final signing of the  
12 lease, did you have any discussions with the  
13 representatives of the -- I'll call them the  
14 owners -- regarding providing outside security?

15 A. No. There was never discussion about  
16 outside security because it's so unnecessary.

17 Q. From the time you opened in 2007 until  
18 the Gilmer incident occurred, had you had any  
19 problems in the parking lot before in the form  
20 of fights or altercations?

21 A. Never.

22 Q. And since the Gilmer incident, have  
23 you had any problems in the parking lot in the  
24 form of fights or physical altercations?

25 A. No.

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1 Q. Would that have been after the lawsuit  
2 was filed?

3 A. That's very possible. I don't know  
4 the timing of when we spoke with them.

5 Q. If I represent to you that my clients  
6 indicate their first knowledge of the incident  
7 was at the time that they were served this  
8 lawsuit, would that be consistent with your  
9 recollection?

10 MR. ELBERT: Objection to form.

11 THE WITNESS: You know, I don't  
12 remember when we spoke with them.

13 BY MR. SMITH:

14 Q. Did you at any time have a meeting  
15 with the representatives of owners about the  
16 incident?

17 A. We were -- I don't know if you'd call  
18 it a meeting, but we had a face-to-face  
19 discussion with them about the incident and  
20 told them all the details that we knew after  
21 our investigation in the space next door to the  
22 Tin Roof. We talked with them for quite a  
23 while about -- about that.

24 Q. So the meeting was not only you talked  
25 about potentially leasing the additional space,

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1 Q. You didn't request security, outside  
2 security, at the time of your lease  
3 negotiations, did you?

4 A. No.

5 Q. And as a matter of fact, you haven't  
6 requested any outside security even today, have  
7 you?

8 A. No.

9 Q. And the reason is because based upon  
10 your 18 years of experience and the experience  
11 that you have had in this actual location,  
12 there's no need for any outside security, is  
13 there?

14 MR. ELBERT: Object to the form  
15 of the question.

16 THE WITNESS: That's correct.

17 BY MR. SMITH:

18 Q. After the incident occurred, did you  
19 give -- or not you, you in the Tin Roof sense,  
20 did anyone give notice to owners that the  
21 incident had occurred?

22 A. Yes. I mean, we spoke to the owners.  
23 I don't remember when that was, but we spoke to  
24 them and told them after our investigation what  
25 we found out happened in the parking lot.

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1 but the incident as well?

2 A. Yes.

3 Q. Now, you had mentioned yesterday that  
4 your security -- I don't want to go as far to  
5 say policy and procedure -- but is for your  
6 security people not to go into the parking lot;  
7 is that correct, if there's an incident in the  
8 parking lot?

9 A. Well, our policy is that, you know, as  
10 far as being a Tin Roof employee, you handle  
11 our premises, which is inside our four walls  
12 and our patio.

13 Now, if I think any of our employees saw  
14 something happening in the parking lot like what  
15 happened on this night, a fight out in the parking  
16 lot, I think they are going to take their Tin Roof  
17 employee hat off and just act as good citizens and  
18 go out there and try and help.

19 Q. And that's what they did in this case,  
20 didn't they?

21 MR. ELBERT: Object to the form  
22 of the question.

23 THE WITNESS: That's exactly what  
24 they did.

25 BY MR. SMITH: